

**CITY OF GOODYEAR
CITY COUNCIL ACTION FORM**

SUBJECT: Consideration of Ordinance 2004-898 and Supplemental Map No. 02-165, a rezone application submitted by Elliott Freireich of the West Valley View to rezone 4.5 acres of property located east of Pebble Creek Parkway, approximately 1500-feet south of the Thomas Rd. alignment, from Agriculture (AG) to General Commercial (C-2), subject to stipulations.	STAFF PRESENTER: Kevin Kugler, Planning Manager CONTACT: Elliott Freireich, West Valley View Caroline Lobo, Orcutt/Winslow
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RECOMMENDATION:

City Council approve Ordinance No. 2004-898 and Supplemental Map No. 02-165, rezoning approximately 4.5 acres from Agriculture (AG) to General Commercial (C-2) to provide for the construction of the West Valley View administrative office and printing facility located east of Pebble Creek Parkway, approximately 1500 feet south of the Thomas Road alignment, subject to the following stipulations:

1. Compliance with the stipulations of Ordinance 2004-898, the General Commercial (C-2) zoning districts criteria, the City's Engineering Design Standards for public works construction and the Maricopa Association of Governments standards for public works construction;
2. Developer shall provide for the dedication of any necessary easements and rights-of-way, in form and substance acceptable to the City, in conjunction with Site Plan approval or at the request of the City Engineer at the time a funding source for the road improvements are identified. Said rights-of-way shall include Pebble Creek Parkway dedication of area necessary to provide for a 75-foot half-street for the east half of Estrella Parkway;
3. Applicant shall cause for the construction of the requisite half-street improvements to Pebble Creek Parkway in accordance with the Engineering Design Standards and Policies Manual. Determination of whether applicant constructs said improvements or provides payment of an in-lieu sum of monies shall be determined by the City Engineer at the Site Plan Review process or at a time another party initiates construction of Pebble Creek Parkway road improvements, but in any case shall occur (no later than) prior to the issuance of a building permit;
4. Applicant shall remit payment an in-lieu payment for the cost to design and construct half of the median improvements to be installed on Pebble Creek Parkway at a future date. Estimate shall be based upon a sealed engineer's estimate for the cost of the median per scenic arterial street standards;

5. Applicant shall modify proposed Pebble Creek Parkway street section as currently shown on the preliminary grading plan to comply with the city-adopted Scenic Arterial Street Standard G-3120 for Pebble Creek Parkway as provided in the Engineering Design Standards and Policies Manual. Applicant shall make this change prior to Council consideration of this rezone request;
6. Applicant shall modify existing conceptual site plan to illustrate the proposed median opening on Pebble Creek Parkway. This change shall occur prior to Council consideration of the rezone request;
7. Separate Site Plan Review Process application will be required for staff review and approval for any phase of development upon this property;
8. The under-grounding of all utilities within and abutting the rezoned areas per phase prior to issuance of construction permits, excluding power lines of 69 kv or larger;
9. Future site plan shall identify appropriate locations for trash enclosure(s) per Goodyear Standard Details G-3160, G-3161 and G-3162.
10. The developer shall control dust as required by the County Bureau of Air Pollution on temporary access ways during construction;
11. Applicant shall provide documentation of a shared access agreement between all parcels prior to or in conjunction with the Site Plan review process;
12. Approval of this rezoning request does not constitute approval of the site plan nor conceptual building elevations, each of which will be reviewed as a part of the Site Plan Review process;
13. Improvements made on all City of Goodyear streets abutting the subject property shall comply with the City's Engineering Design Standards. The developer shall provide a two (2) year warranty on all public improvements from the date of City acceptance;
14. Applicant shall provide adequate water and sewer line sizing and alignments in accordance with LPSCo master plans. Applicant shall demonstrate compliance with this provision with the Site Plan Review process. Coordination between City Engineering staff, LPSCo, Globe and Mr. Freireich regarding the proposed location of sewer service (re-alignment may be necessary) shall be collectively determined at the Site Plan Review process;
15. The completion of required onsite infrastructure per construction phase to serve the subject property with water and sewer prior to occupancy;

16. The developer shall submit a current Phase I Environmental Survey designating the City of Goodyear as a named party to whom such survey is delivered and to whom such certification is made, together with any additional environmental surveys which the city deems necessary dependent on the contents of the Phase I survey. Such survey shall cover publicly dedicated rights-of-way, or other parcels of land dedicated to the public and shall be submitted prior to the dedication of any right-of-way;
17. Land encompassing the entire site plan shall be kept weed and debris free;
18. The Developer shall minimize the amount of light "spilling" or trespassing onto abutting residential neighborhoods, and general light pollution. Light pole (including concrete base) heights shall not exceed 28 feet in height. Light pole standards shall be "dark brown" in color and consistent with the exterior paint of the building. The maintained average illuminance over the entire parking lot shall be no greater than 3.3 footcandles. Building mounted lighting shall include "house-side-shields" and cutoffs to reduce hot spots. Light trespass shall not exceed .8 vertical footcandles at all property lines and will be measured at 6' above grade, with the lightmeter aimed at 90-degrees above nadir and perpendicular into the site. Light poles adjacent to residential lots upon the eastern property line shall be a maximum of 18 feet, including concrete base(s). Final photometric plan submittals shall be reviewed and approved by Community Development staff in conjunction with the Site Plan Review process;
19. The Developer shall minimize the amount of noise "spilling" into abutting residential neighborhoods. Building orientations, screening walls and/or other noise mitigation technologies shall be incorporated so that noise emitting from the printing press or related mechanical equipment, shall not exceed 60 decibels at the nearest adjacent residential property line as demonstrated in a sound calculation analysis, if warranted;
20. The Developer shall obtain approval from the City of Goodyear of a subdivision plat in accordance with City subdivision regulations prior to the fourth land division of the rezoned property;
21. Screening of all mechanical equipment, roof-mounted or otherwise, from all public rights of way, shall comply with the provisions of the Goodyear Design Guidelines;
22. Refuse collection shall be limited to occur between the hours of 6 a.m. through 6 p.m. daily for the West Valley View facility, unless otherwise directed by City staff;
23. All parking areas along Pebble Creek Parkway shall be screened from street view with a minimum three (3) foot high screen wall or earthen berm. Undulation or offset in said screen wall shall occur at a minimum of every 100 feet;
24. Staff to review and approve any and all decorative masonry screen wall/perimeter wall(s) details in conjunction with the Site Plan Review process;

25. All portions of the site to be graded and unbuilt shall be temporarily finished with a topping of decomposed granite (two (2) inches minimum depth), OR the developer shall include a provision in the sales contracts for pad users that vertical construction shall commence within eighteen months of the sale of the property;
26. Applicant shall demonstrate fireflow of a minimum of 1500 gpm prior to the issuance of a building permit;
27. Overnight parking of semi-tractor trailer trucks shall be prohibited and signs shall be posted within the parking area accordingly;
28. Outdoor storage of any products shall not be visible from public rights-of-way and shall be entirely screened by a decorative masonry wall;
29. Applicant shall provide for on-site retention for the 100-year, 6-hour storm event and shall be demonstrated with the Site Plan Review process;
30. The use of mini-mobile storage containers for outside storage shall be prohibited;
31. The loading dock area shall be screened from public view of adjacent properties and the Pebble Creek right-of-way. Screening design and mitigation shall be reviewed and approved by staff in conjunction with the Site Plan Review process; and,
32. Deliveries from semi-trucks shall be prohibited from the hours of 10:00 p.m. to 6:00 a.m.

DISCUSSION:

The Orcutt/Winslow Partnership, on behalf of Elliott Freireich, Publisher of the West Valley View newspaper, have submitted a zoning application requesting rezoning from Agriculture (AG) to General Commercial (C-2) for approximately 4.5 acres located east of Pebble Creek Parkway, approximately 1500 feet south of the Thomas Road alignment. The property is situated south of a one acre property owned by Globe Corp. (situated just south of the proposed Virginia Rd. alignment serving Goodyear PRC access) and north of the existing brick home on the east side of Pebble Creek Parkway, west of the RID Canal traversing the area. Please see the attached vicinity/aerial map for reference.

The newly adopted General Plan Land Use Map designates this property as Regional Commercial which provides for service and retail businesses that serve a 5 to 10 mile trade area and are readily accessible from arterial roadways. The General Commercial (C-2) zoning district permits business and professional offices with related light (indoor) fabrication as a permitted use in the C-2 district. The General Commercial, C-2 zoning request is therefore consistent with the General Plan Land Use Map.

Existing or proposed land uses/zoning of surrounding properties includes:

North – PAD Commercial (Globe Corp.), PAD Residential (Pebble Creek)

South – Agriculture (existing home) and PAD Commercial (Globe Corp.)

East – PAD Commercial and Multi-Family (18du's/acre) (Globe Corp.)

West – Agriculture, vacant Suncor property, General Plan designation of commercial and mixture of residential densities

The applicant has submitted this zoning request to re-locate the West Valley View newspaper printing and administrative office facility that currently sits on a rental property on Wigwam Drive in Litchfield Park. Mr. Freireich owns the 4.5 acres of property and desires to establish a 23,000 square foot office and printing facility to serve as the permanent home for the West Valley View. The 23,000 square foot building will be constructed in the first phase, with a future phase to include area for news print storage. Areas upon the southern portion of Mr. Freireich's property is identified as future parking and retention area. The Roosevelt Irrigation District canal right-of-way is approximately 56-feet wide, providing a physical buffer from the future commercial and multi-family home developments planned for the Goodyear PRC. Please refer to the conceptual site plan for further details.

As the application narrative notes, the facility will house approximately 30 office staff and 50 assembly workers who work one night a week. Staff occupies the building seven days a week from 7:00 a.m. until 6:00 p.m. and the assembly workers work through the night on Tuesdays to print, assemble and have carriers pick up the papers. Semi-truck deliveries are rare since the newspaper is produced internally. Those infrequent truck deliveries occur during daylight hours. Stipulation #32 restricts nighttime semi-truck deliveries.

Staff has been working with the applicant for some time on site development issues to coordinate with surrounding property owners as well as function for the applicant. Vehicular access is provided via one right in/right-out driveway at the northern property line which will be a shared driveway with the unknown user (Globe Corp.) to the north. A cross access driveway (median break) is situated at the south end of the phase one parking lot to allow adequate distance from the future Virginia/Pebble Creek Parkway intersection (660-feet). The applicant will be required to dedicate right-of-way along Pebble Creek Parkway (75-foot half street) and shall cause for the half-street improvements of Pebble Creek Parkway to be constructed.

Mr. Freireich has been working with Economic Development Department staff to enter into a development agreement relating to the potential of sales tax reimbursements as consideration for the road improvements. This item will be considered by Council under a separate agenda item.

The property is served by LPSCo for both water and sewer. Mr. Freireich is partnering with Globe Corp. to establish necessary easements and cost-sharing for the extension of a 16-inch water line and 8-inch sewer line from Virginia Ave. to the north.

Conceptual building elevations have been provided for your consideration as a required component of the rezoning application. The applicant will be required to submit detailed building elevations with the normal Design Review process with the future site plan review submittal. The building can generally be characterized as a contemporary style architecture, using block and frame construction with a smooth stucco (or EFIS system) finish with various earthtone exterior paint colors. Translucent panels throughout the building and a large canopy over the entrance (west elevation) are incorporated to provide relief and enhance the wall articulation. Staff generally finds the elevations to be acceptable at this conceptual level, but will most likely require a few architectural enhancements in the formal Design Review process.

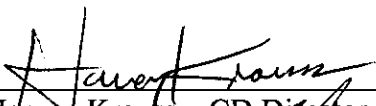
The applicant has complied with the Goodyear Citizens Review Process by conducting a neighborhood meeting held on December 8, 2003 at City Hall. The only attendees including Al and Jan Parkes who reside in the brick home just south of the subject property. Mr. and Mrs. Parkes had some general questions about the operations of the facility and generally welcomed the addition of this project as their future neighbor due to their relatively isolated status currently.


The Planning Commission considered this rezone request at their regular meeting of March 17, 2004. After some discussion relating to landscaping and building architecture, the Planning Commission unanimously approved the rezone request by a 7-0 vote.

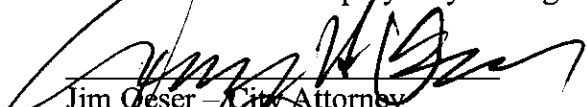
COMMUNITY BENEFIT:


- **Additional job creation in Goodyear**
- **Increased sales tax revenue to Goodyear**
- **Expanded development opportunity along this portion of Pebble Creek Parkway**

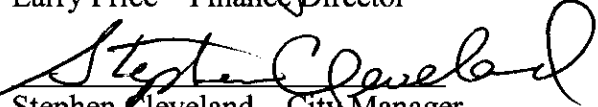
REVIEWED BY:


Harvey Krauss – CD Director


Grant Anderson – Deputy City Manager


Jim Geser – City Attorney


Larry Price – Finance Director


Stephen Cleveland – City Manager

PREPARED BY:


Kevin Kugler – Planning Manager

ORDINANCE 2004-898

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA CONDITIONALLY ADOPTING ORDINANCE NO. 2004-898 AND SUPPLEMENTAL MAP NO. 02-165 PROVIDING FOR GENERAL COMMERCIAL (C-2) ZONING ON 4.5 ACRES OF PROPERTY GENERALLY LOCATED EAST OF PEBBLE CREEK PARKWAY, APPROXIMATELY 1500 FEET SOUTH OF THE THOMAS ROAD ALIGNMENT; PROVIDING SEPARABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Goodyear Planning and Zoning Commission held a public hearing on Zoning Case Z-20-02 on February 19, 2004 in the manner prescribed by law, for the purpose of considering the adoption of Ordinance No. 04-898 and Supplemental Map No. 02-165 providing for General Commercial (C-2) zoning on 4.5 acres generally located east of Pebble Creek Parkway, approximately 1500 feet south of the Thomas Road alignment;

WHEREAS, due and proper notice of such public hearing before the City of Goodyear Planning and Zoning Commission was given in the time, form, substance and manner provided by law including publication of such notice in THE WEST VALLEY BUSINESS on November 26, 2003; and,

WHEREAS, the City of Goodyear Planning and Zoning Commission has recommended to the Mayor and Council of the City of Goodyear, Arizona that it adopt Ordinance No. 04-898 and Supplemental Map No. 02-165 for the property as aforesaid and the Mayor and Council of the City of Goodyear, Arizona desire to accept such recommendation and conditionally rezone the property as General Commercial (C-2);

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Goodyear, Arizona that:

SECTION I. Conditions. The rezoning herein provided for is subject to the following conditions:

1. Compliance with the stipulations of Ordinance 2004-898, the General Commercial (C-2) zoning districts criteria, the City's Engineering Design Standards for public works construction and the Maricopa Association of Governments standards for public works construction;
2. Developer shall provide for the dedication of any necessary easements and rights-of-way, in form and substance acceptable to the City, in conjunction with Site Plan approval or at the request of the City Engineer at the time a funding source for the road improvements are identified. Said rights-of-way shall include Pebble

Creek Parkway dedication of area necessary to provide for a 75-foot half-street for the east half of Estrella Parkway;

3. Applicant shall cause for the construction of the requisite half-street improvements to Pebble Creek Parkway in accordance with the Engineering Design Standards and Policies Manual. Determination of whether applicant constructs said improvements or provides payment of an in-lieu sum of monies shall be determined by the City Engineer at the Site Plan Review process or at a time another party initiates construction of Pebble Creek Parkway road improvements, but in any case shall occur (no later than) prior to the issuance of a building permit;
4. Applicant shall remit payment an in-lieu payment for the cost to design and construct half of the median improvements to be installed on Pebble Creek Parkway at a future date. Estimate shall be based upon a sealed engineer's estimate for the cost of the median per scenic arterial street standards;
5. Applicant shall modify proposed Pebble Creek Parkway street section as currently shown on the preliminary grading plan to comply with the city-adopted Scenic Arterial Street Standard G-3120 for Pebble Creek Parkway as provided in the Engineering Design Standards and Policies Manual. Applicant shall make this change prior to Council consideration of this rezone request;
6. Applicant shall modify existing conceptual site plan to illustrate the proposed median opening on Pebble Creek Parkway. This change shall occur prior to Council consideration of the rezone request;
7. Separate Site Plan Review Process application will be required for staff review and approval for any phase of development upon this property;
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10. The developer shall control dust as required by the County Bureau of Air Pollution on temporary access ways during construction;
11. Applicant shall provide documentation of a shared access agreement between all parcels prior to or in conjunction with the Site Plan review process;

12. Approval of this rezoning request does not constitute approval of the site plan nor conceptual building elevations, each of which will be reviewed as a part of the Site Plan Review process;
13. Improvements made on all City of Goodyear streets abutting the subject property shall comply with the City's Engineering Design Standards. The developer shall provide a two (2) year warranty on all public improvements from the date of City acceptance;
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15. The completion of required onsite infrastructure per construction phase to serve the subject property with water and sewer prior to occupancy;
16. The developer shall submit a current Phase I Environmental Survey designating the City of Goodyear as a named party to whom such survey is delivered and to whom such certification is made, together with any additional environmental surveys which the city deems necessary dependent on the contents of the Phase I survey. Such survey shall cover publicly dedicated rights-of-way, or other parcels of land dedicated to the public and shall be submitted prior to the dedication of any right-of-way;
17. Land encompassing the entire site plan shall be kept weed and debris free;
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19. The Developer shall minimize the amount of noise "spilling" into abutting residential neighborhoods. Building orientations, screening walls and/or other noise mitigation technologies shall be incorporated so that noise emitting from the

printing press or related mechanical equipment, shall not exceed 60 decibels at the nearest adjacent residential property line as demonstrated in a sound calculation analysis, if warranted;

20. The Developer shall obtain approval from the City of Goodyear of a subdivision plat in accordance with City subdivision regulations prior to the fourth land division of the rezoned property;
21. Screening of all mechanical equipment, roof-mounted or otherwise, from all public rights of way, shall comply with the provisions of the Goodyear Design Guidelines;
22. Refuse collection shall be limited to occur between the hours of 6 a.m. through 6 p.m. daily for the West Valley View facility, unless otherwise directed by City staff;
23. All parking areas along Pebble Creek Parkway shall be screened from street view with a minimum three (3) foot high screen wall or earthen berm. Undulation or offset in said screen wall shall occur at a minimum of every 100 feet;
24. Staff to review and approve any and all decorative masonry screen wall/perimeter wall(s) details in conjunction with the Site Plan Review process;
25. All portions of the site to be graded and unbuilt shall be temporarily finished with a topping of decomposed granite (two (2) inches minimum depth), OR the developer shall include a provision in the sales contracts for pad users that vertical construction shall commence within eighteen months of the sale of the property;
26. Applicant shall demonstrate fireflow of a minimum of 1500 gpm prior to the issuance of a building permit;
27. Overnight parking of semi-tractor trailer trucks shall be prohibited and signs shall be posted within the parking area accordingly;
28. Outdoor storage of any products shall not be visible from public rights-of-way and shall be entirely screened by a decorative masonry wall;
29. Applicant shall provide for on-site retention for the 100-year, 6-hour storm event and shall be demonstrated with the Site Plan Review process;
30. The use of mini-mobile storage containers for outside storage shall be prohibited;
31. The loading dock area shall be screened from public view of adjacent properties and the Pebble Creek right-of-way. Screening design and mitigation shall be reviewed and approved by staff in conjunction with the Site Plan Review process; and,

32. Deliveries from semi-trucks shall be prohibited from the hours of 10:00 p.m. to 6:00 a.m.

Section II. Amendment of Zoning Map. The Zoning Map of the City of Goodyear is herewith conditionally amended to reflect the change in districts referred to in Section I, and which shall be filed with the City in the same manner as the Zoning Map of the City of Goodyear.

Section III. Separability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or competent jurisdiction, such portion shall be deemed separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section IV. Effective Date. This ordinance shall become effective at the time and in the manner prescribed by law.

PASSED AN ADOPTED by the Mayor and Council of the City of Goodyear, Arizona, this ____ day of _____, 2004.

James M. Cavanaugh, Mayor

ATTEST:

Dee Cockrum, City Clerk

APPROVED AS TO FORM:

James H. Oeser, City Attorney

CERTIFICATION OF RECORDING OFFICER

STATE OF ARIZONA)
) ss.
County of Maricopa)

I, the undersigned Dee Cockrum, being the duly appointed, qualified City Clerk of the City of Goodyear, Arizona, certify that the foregoing Ordinance 2004-898, passed and adopted at a City Council Meeting of the Council of the City of Goodyear, Maricopa County, Arizona held on the ____ day of _____, 2004, at which a quorum was present and, by a _____ vote, voted in favor of said ordinance.

Given under my hand and seal, this ____ day of _____, 2004.

City

West Valley View (Case 2-20-02) Narrative - 01.23.04

West Valley View is currently located at a rental property in Litchfield Park. The property on PebbleCreek Parkway shown on the site plan will be the future location of West Valley View printing facility, where the owner plans to build new offices and the printing press.

This property whose area is approximately 4.5 acres is currently zoned as agricultural and the request is that the City rezone this property as C-2. As seen on the attached architectural site plan, the north half of the site shall be developed to house approximately 23,000 sq. ft. of the printing facility with approximately 84 parking spaces.

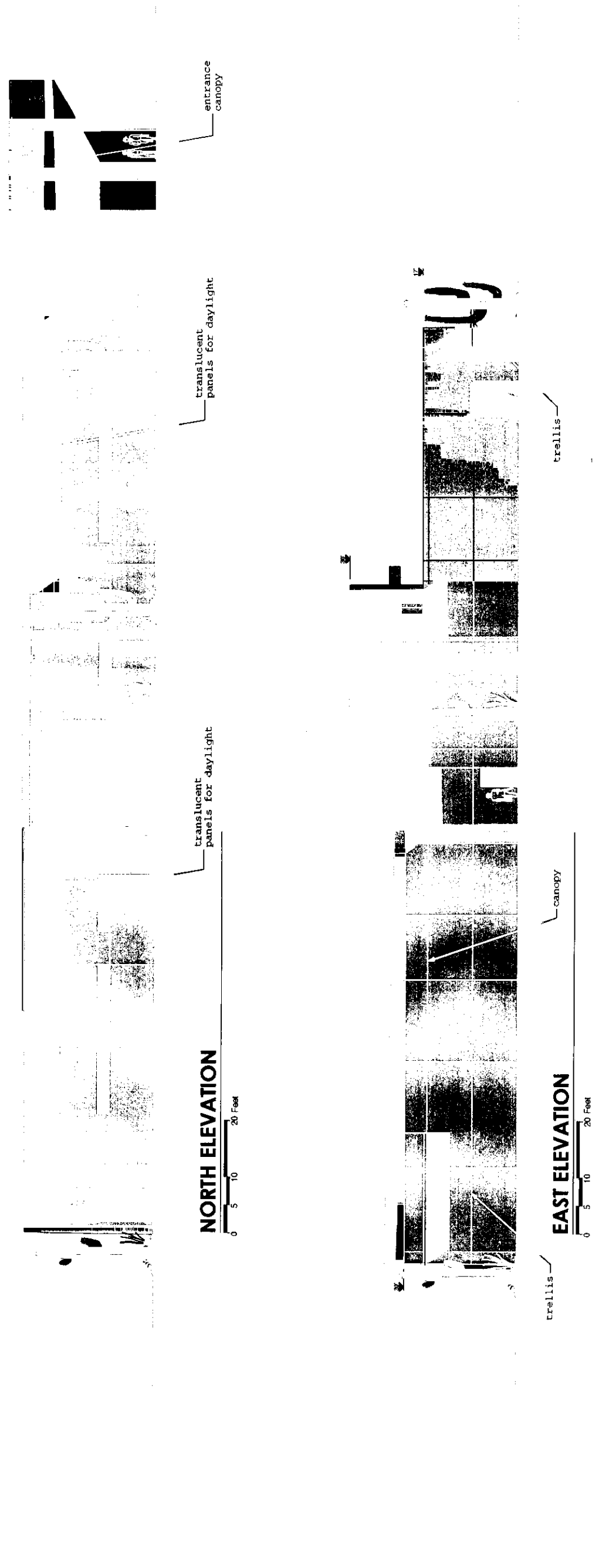
The facility shall house approximately 30 office staff and 50 assembly workers who work one night a week. The staff in the building shall work from 7 a.m. until 6 p.m. seven days a week and will work all night Tuesday nights to print, assemble and have carriers pick up the papers. Any noise during night hours shall be kept to a minimum. The printing press itself shall be located at the southernmost end of the building. The road into the property is designed for easy traffic flow and service access to the loading dock area that is to the south of the building. It is our intent to design a retention area to the south part of the property and have the storm water drainage to the south of the building.

WEST VALLEY VIEW Neighborhood MEETING

DECEMBER 8, 2003

5:30 PM CITY HALL

<u>NAME</u>	<u>PHONE</u>	<u>EMAIL</u>
Elliott Freireich	623-535-8439	publlob@westvalleynews.com
AL PARKES	623-536-6046	alja parkes@aol.com
JAN PARKES	623-536-6046	alja parkes@aol.com
CAROLINE LOBO	602 257 1764	lobo.c@awp.com
KEVIN Kugler	932-3005	

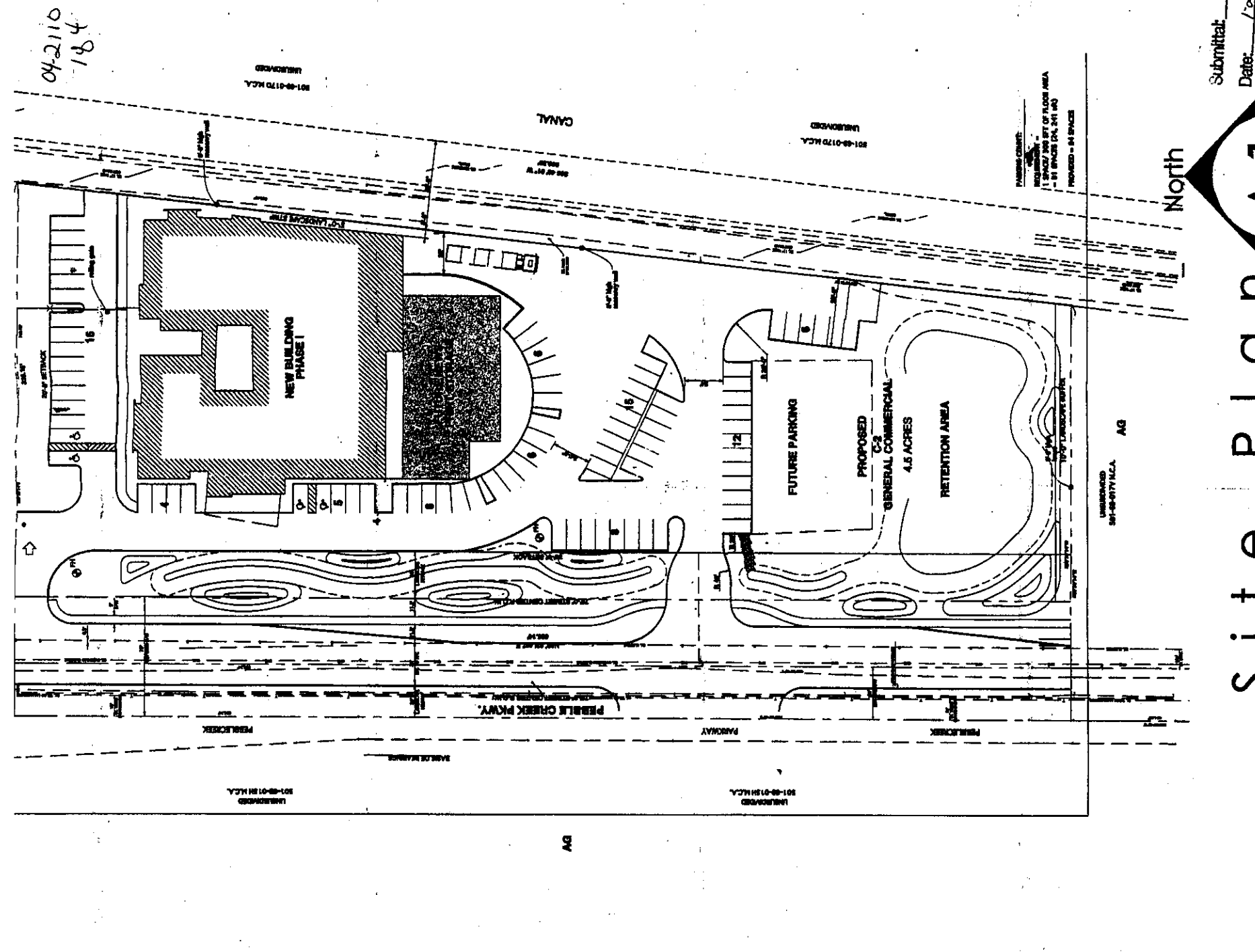


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Building Elevations

The Orcutt/Winslow Partnership
The weekly newspaper of Avondale, Buckeye, Goodyear, Litchfield Park & Tolleson, Arizona
1132 North Central Street, Phoenix, Arizona 85004-1945
Tel: 602-994-4400 Fax: 602-994-4401
January 23, 2004

Submitted: 2nd
Date: 1-26-04



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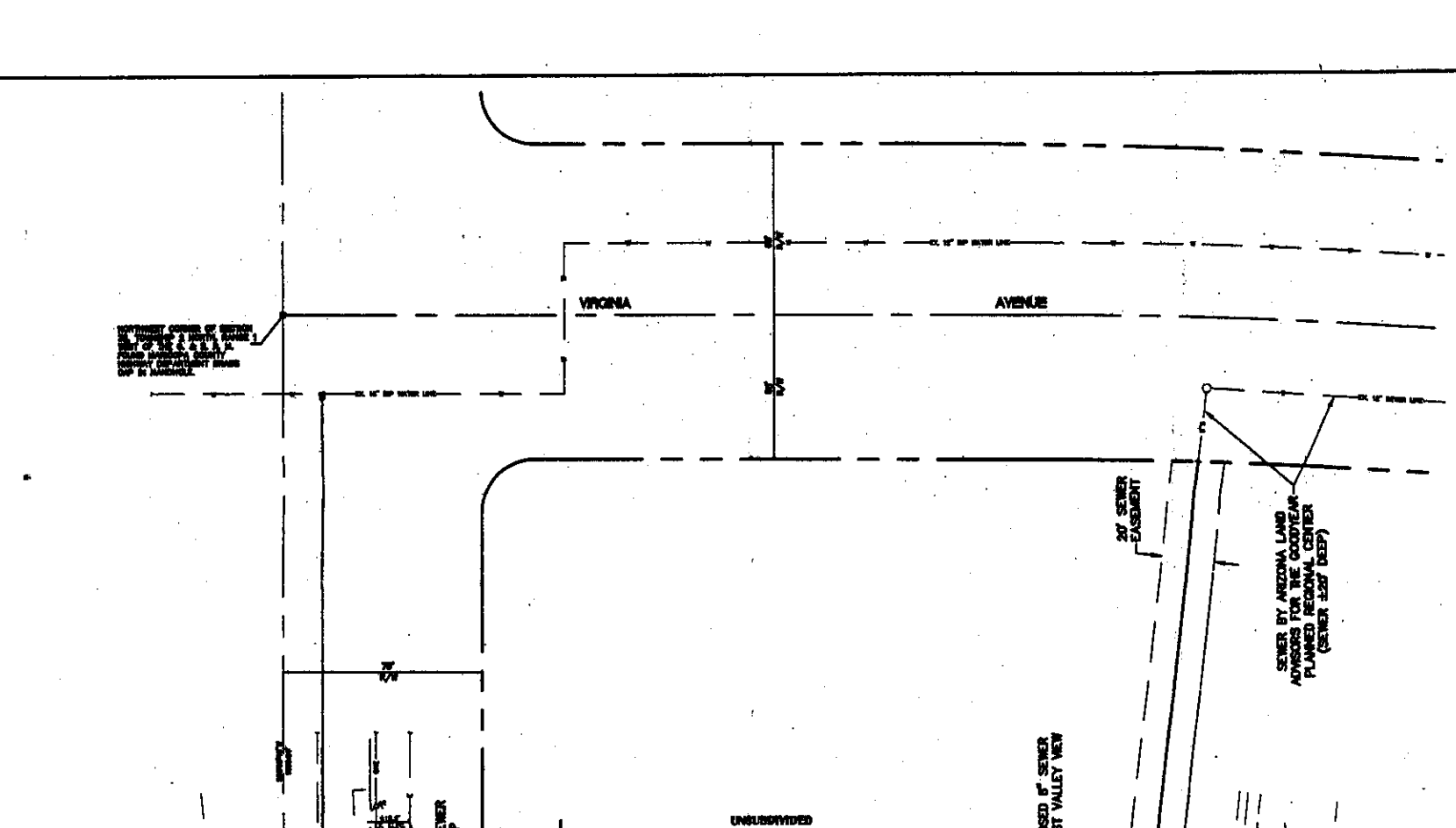
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UTILITY CONCEPT PLAN
 WEST VALLEY NEW NEWSPAPER
 PRELIMINARY WATER AND SEWER FOR
 WEST VALLEY NEW NEWSPAPER ALAND
 123-100
 SHEET NO. 1
 SCALE: 1" = 30'
 DATE: 11/11/04
 DRAWN BY: J. HESS
 CHECKED BY: J. HESS
 APPROVED BY: J. HESS
 C-3